

House Study Bill 501 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON BALTIMORE)

A BILL FOR

1 An Act relating to commission of a criminal offense involving
2 a victim fifteen years of age or younger, and providing
3 penalties.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 710.3, Code 2014, is amended to read as
2 follows:

3 **710.3 Kidnapping in the second degree.**

4 1. Kidnapping where the purpose is to hold the victim
5 for ransom, or where the kidnapper is armed with a dangerous
6 weapon, or where the victim is fifteen years of age or younger,
7 is kidnapping in the second degree. Kidnapping in the second
8 degree is a class "B" felony.

9 2. For purposes of determining whether the person should
10 register as a sex offender pursuant to the provisions of
11 chapter 692A, the fact finder shall make a determination as
12 provided in section 692A.126.

13 Sec. 2. Section 903A.2, subsection 1, unnumbered paragraph
14 1, Code 2014, is amended to read as follows:

15 Each inmate committed to the custody of the director of the
16 department of corrections is eligible to earn a reduction of
17 sentence in the manner provided in this section. For purposes
18 of calculating the amount of time by which an inmate's sentence
19 may be reduced, inmates shall be grouped into the following ~~two~~
20 three sentencing categories:

21 Sec. 3. Section 903A.2, subsection 1, paragraph a,
22 unnumbered paragraph 1, Code 2014, is amended to read as
23 follows:

24 Category "A" sentences are those sentences which are not
25 subject to a maximum accumulation of earned time of fifteen
26 percent of the total sentence of confinement under section
27 902.12 or category "C" sentences. To the extent provided
28 in subsection 5, category "A" sentences also include life
29 sentences imposed under section 902.1. An inmate of an
30 institution under the control of the department of corrections
31 who is serving a category "A" sentence is eligible for a
32 reduction of sentence equal to one and two-tenths days for each
33 day the inmate demonstrates good conduct and satisfactorily
34 participates in any program or placement status identified by
35 the director to earn the reduction. The programs include but

1 are not limited to the following:

2 Sec. 4. Section 903A.2, subsection 1, paragraph b, Code
3 2014, is amended to read as follows:

4 **b.** Category "B" sentences are those sentences which are
5 subject to a maximum accumulation of earned time of fifteen
6 percent of the total sentence of confinement under section
7 902.12 and are not category "C" sentences. An inmate of an
8 institution under the control of the department of corrections
9 who is serving a category "B" sentence is eligible for a
10 reduction of sentence equal to fifteen eighty-fifths of a day
11 for each day of good conduct by the inmate.

12 Sec. 5. Section 903A.2, subsection 1, Code 2014, is amended
13 by adding the following new paragraph:

14 NEW PARAGRAPH. **c.** Notwithstanding paragraphs "a" and "b",
15 an inmate serving a category "C" sentence is ineligible to
16 earn any reduction of sentence under this section. Category
17 "C" sentences are those sentences where the victim was fifteen
18 years of age or younger at the time the offense was committed
19 and is a violation of any of the following:

20 (1) Sections 707.2, 707.3, 707.3A, 707.4, 707.5, and
21 707.11.

22 (2) Section 707A.2.

23 (3) Sections 708.2, subsections 1, 3, 4, and 5, section
24 708.2A, subsection 2, paragraphs "c" and "d", section 708.2A,
25 subsections 3, 4, and 5, sections 708.2C, 708.3, 708.4, 708.5,
26 and 708.6, section 708.7, subsection 2, and sections 708.8 and
27 708.11.

28 (4) Sections 709.2 and 709.3, section 709.4, except
29 section 709.4, subsection 1, paragraph "b", subparagraph (3),
30 subparagraph division (d), and sections 709.8, 709.11, 709.12,
31 709.15, and 709.16.

32 (5) Sections 710.2, 710.3, 710.4, 710.5, 710.10, and
33 710.11.

34 (6) Sections 710A.2 and 710A.2A.

35 (7) Sections 712.2, 712.3, and 712.4.

1 (8) Sections 713.3, 713.4, 713.5, and 713.6.

2 (9) Sections 725.1 and 725.2, and section 725.3, subsection
3 2.

4 (10) Section 726.2.

5 (11) Section 728.12.

6 (12) Any conspiracy as defined under section 706.1 to commit
7 an offense described in this paragraph "c".

8 Sec. 6. Section 903A.7, Code 2014, is amended to read as
9 follows:

10 **903A.7 Separate sentences.**

11 1. Consecutive multiple sentences that are within the
12 same category under section 903A.2 shall be construed as one
13 continuous sentence for purposes of calculating reductions of
14 sentence for earned time.

15 2. If a person is sentenced to serve sentences of both
16 categories, category "B" sentences shall be served before
17 category "A" sentences are served, and earned time accrued
18 against the category "B" sentences shall not be used to reduce
19 the category "A" sentences. If an inmate serving a category
20 "A" sentence is sentenced to serve a category "B" sentence,
21 the category "A" sentence shall be interrupted, and no further
22 earned time shall accrue against that sentence until the
23 category "B" sentence is completed.

24 3. If a person is sentenced to serve both a category "C"
25 sentence and another category sentence, the category "C"
26 sentence shall be served before the other category sentence
27 is served, and no earned time shall accrue until the category
28 "C" sentence has been served. If an inmate serving another
29 category sentence besides a category "C" sentence is sentenced
30 to serve a category "C" sentence, the sentence of the other
31 category sentence shall be interrupted, and no further earned
32 time shall accrue against that sentence until the category "C"
33 sentence is completed.

34 **EXPLANATION**

35 The inclusion of this explanation does not constitute agreement with

1 the explanation's substance by the members of the general assembly.

2 This bill relates to criminal offenses involving a victim 15
3 years of age or younger.

4 The bill changes the definition of kidnapping in the second
5 degree to include any kidnapping where the victim is 15 years
6 of age or younger. A person who commits kidnapping in the
7 second degree commits a class "B" felony. A class "B" felony
8 is punishable by confinement for no more than 25 years.
9 Kidnapping in the second degree is also classified as a 70
10 percent sentence under Code section 902.12.

11 Under current law there are two sentence categories relating
12 to the accrual of earned time. An inmate serving a category
13 "A" sentence is eligible for a reduction of sentence equal to
14 one and two-tenths days for each day the inmate demonstrates
15 good conduct and satisfactorily participates in any program or
16 placement status identified by the director of the department
17 of corrections to earn the reduction. An inmate serving a
18 category "B" sentence under current law is eligible for a
19 reduction of sentence equal to fifteen eighty-fifths of a day
20 for each day of good conduct by the inmate.

21 The bill creates a category "C" sentence for the accrual of
22 earned time by eliminating the ability of an inmate convicted
23 of any of the following Code section offenses to accumulate
24 earned time if the victim of the offense was 15 years of age
25 or younger at the time the offense was committed: 707.2
26 (murder in the first degree), 707.3 (murder in the second
27 degree), 707.3A (solicitation to commit murder), 707.4
28 (voluntary manslaughter), 707.5 (involuntary manslaughter),
29 707.11 (attempt to commit murder), 707A.2 (assisting suicide),
30 708.2(1), (3), (4), and (5) (certain assaults), 708.2A(2)(c)
31 and (d) and 708.2A(3), (4), and (5) (certain domestic
32 assaults), 708.2C (assault in violation of individual rights),
33 708.3 (assault while participating in a felony), 708.4 (willful
34 injury), 708.5 (administering harmful substances), 708.6
35 (intimidation with a dangerous weapon), 708.7(2) (harassment

1 in the first degree), 708.8 (going armed with intent), 708.11
2 (stalking), 709.2 (sexual abuse in the first degree), 709.3
3 (sexual abuse in the second degree), 709.4 (sexual abuse in the
4 third degree except statutory rape), 709.8 (lascivious acts
5 with a child), 709.11 (assault with intent to commit sexual
6 abuse), 709.12 (indecent contact with a child), 709.15 (sexual
7 exploitation by a counselor, therapist, or school employee),
8 709.16 (sexual misconduct with offenders and juveniles), 710.2
9 (kidnapping in the first degree), 710.3 (kidnapping in the
10 second degree), 710.4 (kidnapping in the third degree), 710.5
11 (child stealing), 710.10 (enticing a minor), 710.11 (purchase
12 or sale of individual), 710A.2 (human trafficking), 710A.2A
13 (solicitation of commercial sexual activity), 712.2 (arson in
14 the first degree), 712.3 (arson in the second degree), 712.4
15 (arson in the third degree), 713.3 (burglary in the first
16 degree), 713.4 (attempted burglary in the first degree), 713.5
17 (burglary in the second degree), 713.6 (attempted burglary in
18 the second degree), 725.1 (prostitution), 725.2 (pimping),
19 725.3(2) (pandering involving a minor), 726.2 (incest), 728.12
20 (sexual exploitation of a minor), and any conspiracy as defined
21 in Code section 706.1 to commit an offense described in the
22 bill involving a victim 15 years of age or younger.

23 Under the bill, if a person is sentenced to serve both
24 a category "C" sentence and another category sentence, the
25 category "C" sentence shall be served before the other category
26 sentence is served, and no earned time shall accrue until the
27 category "C" sentence has been served. The bill also provides
28 that if an inmate serving another category sentence besides
29 a category "C" sentence is sentenced to serve a category "C"
30 sentence, the sentence of the other category sentence shall be
31 interrupted, and no further earned time shall accrue against
32 that sentence until the category "C" sentence is completed.